

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Civil Action No. 1:05-cv-11693-RCL

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS,
INC., d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J.
CULLINEY, D.C. and JENNIFER
McCONNELL, D.C.

Defendants.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I hereby certify that I have attempted, in good faith, to confer with counsel for the above-captioned defendants in an attempt to resolve and/or narrow the issues addressed in plaintiff's Motion to Compel Compliance with Subpoena Duces Tecum. Unfortunately, the parties were unable to resolve the issues addressed in the accompanying Motion to Compel.

Respectfully Submitted,
Encompass Insurance Company,
By its Attorneys,

/s/ Richard D. King, Jr.

Richard D. King, Jr. (BBO # 638142)
Nathan A. Tilden (BBO # 647076)
SMITH & BRINK, P.C.
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Dated: September 26, 2007

Certificate of Service

I, Michael W. Whitcher, hereby certify that on this 26th day of September, 2007, this document was filed through the CM/ECF and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

____/s/ Richard D. King_____